

Appl. No. 10/551,444
Amendment dated: August 4, 2009
Reply to OA of: May 4, 2009

REMARKS

Applicants are in receipt of the Official Action dated May 4, 2009 and its contents have been carefully considered. Applicants have amended the claims to more particularly define the invention in view of the outstanding Official Action. The limitation from claim 8 has been added to claim 1 and the limitations from claim 10 have been added to claim 4. In addition, clarifying amendments have been made to the claims to obviate the rejection under 35 U.S.C. 112. Amended claims 1 and 4 remain in the application and the remaining claims have been canceled without prejudice or disclaimer. Applicants most respectfully submit that all of the claims now present in the application are in full compliance with 35 U.S.C. 112 and are clearly patentable over the references of record.

The rejection of claims 1, 4 and 7 on the grounds of obviousness double patenting have been obviated by the amendment to these claims including limitation from claims not included in the rejection. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claims 1, 4, 7 and 10 under 35 U.S.C. 112, second paragraph has been carefully considered but is most respectfully traversed in view of the amendments to claims 1 and 4 for purposes of clarification. Accordingly, it is most respectfully requested that this rejection be withdrawn.

Applicants have carefully considered the rejection of claims 1, 4, 7, 8, and 10 under 35 U.S.C. 103 (a) as obvious over Tsai in view of Mureau but it is most respectfully traversed in view of the amendments to the claims and the following. Tsai describes a squeezing device for cosmetics which relates to a container containing a make up cream or lotion, which can be squeezed out in a specific amount. The interior of the tubular body is mounted with a pushing rod, which is rotatably controlled by means of the screw threads on the pushing rod. The rotating seat rotates to push the pushing rod upwards so that the make up cream or lotion flows out. The outlet end is

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provided with an elastic valve plate for sealing so that the cream or the lotion steadily flows out and is automatically cut off.

As noted on page 10 of the present specification, in accordance with the applying filler extruding container on the basis of the present invention, since the applying filler is rapidly discharged at the first time by the user, it is possible to provide the applying filler extruding container in which a customer satisfaction is improved. This relates to the structural aspect of the invention as presently claimed in and is not suggested by the prior art.

The deficiencies of the primary reference are noted in the Official Action where it is stated that Tsai does not teach the filling member (the front smaller diameter portion of the body ten) being separated and having a lock portion provided in an outer surface for inserting and coupling to a locked portion provided in an inner surface of the main body two. Mureau, the secondary reference teaches a cosmetic cartridge being separated from the body ten and having a locking member for connecting the locking member of the inner side of the main body ten as shown in Figure 2.

In this regard, it is noted that the Mureau patent dates from 1943 and even if it were modified as suggested, the feature does not render the presently claimed invention obvious. There is no reason as to why one of ordinary skill in the art would modify the primary reference as taught by Mureau and there is no reason set forth on page 5 of the Official Action in this regard.

That is, neither Tsai nor Mureau alone or in combination disclose nor suggest the construction in which a plurality of concave or convex portions are provided in the movable body, a plurality of convex or concave portions are provided in the bottom surface of the operating tube and a peripheral edge of the shaft body portion, and at the maximum retreated time of the movable body the concave or convex portions of the movable body the concave or convex portions of the operating tube. This can prevent the shaft body portion from being wrenched due to an excessive torsion of the operating


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tube (see paragraph [0017] in US 2007/0003359 A1). Accordingly, it is most respectfully requested that this rejection be withdrawn.

In view of the above comments and further amendments to the specification and claims, favorable reconsideration and allowance of all the claims now present in the application are most respectfully requested.

Respectfully submitted,

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